

Appl. No. 09/802,289
Amdt. dated May 4, 2005
Reply to Office Action of March 8, 2005

PATENT

REMARKS/ARGUMENTS

Amendments

The claims are modified in the amendment. More specifically, claims 1-2 and 10-12 have been amended. Therefore, claims 1-16 and 18-21 are present for examination. No new matter is added by these amendments, which are fully supported by the specification. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §112 Rejections

Claims 2, 10-16, and 18-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. As amended, claims 2, 10, 11, and 12 are believed to be allowable. No new matter is added by these amendments. The allowability of the remaining dependent claims 13-16 and 18-20 is believed to ensue from the allowability of claims 2, 10, 11, and 12.

35 U.S.C. §103 Rejections, Masubuchi in view of Cook

The Office Action has rejected claims 1-3, 5, 6, 8-13, 15, 16 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,530,817 to Masubuchi (hereinafter "Masubuchi") in view of the cited portions of U.S. Patent No. 5,301,340 to Cook (hereinafter "Cook"). The patent office is charged with putting forth a *prima facie* showing of obviousness. Applicants believe a *prima facie* case of obviousness has not been established in the Office Action. The cited references, either alone or in combination, fail to disclose each limitation of the claims. Further, motivation for the specific combination of elements is lacking along with any reasonable likelihood of success in that combination.

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Missing Limitation: Switchability Between Global and Private Modes

A *prima facie* rejection for obviousness under 35 U.S.C. §103(a) requires establishing, *inter alia*, that "prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143. The prior art does not teach all of the claim limitations of amended independent claims 1, 10 and 11. For example, the Office Action states that the claimed invention is obvious because registers within register files 12, 22 of Masubuchi can be used as both private and global registers. Applicants respectfully disagree.

First, the Applicants respectfully disagree with the assertion that Masubuchi teaches global registers. Masubuchi only teaches private registers which may share information downstream. While Masubuchi shares information between pipelines, Masubuchi does it in a different way than the claimed invention. Masubuchi's selector 15, 24 provides an extra step to share operand output from one private register with another private register in the pipeline. This is contrary to the concept of a global register that shares separately from the pipeline. Thus, there is no reason or need for Masubuchi to implement global registers. As such, Masubuchi does not teach or suggest global registers. Therefore, Masubuchi cannot contemplate, nor does it teach or suggest, the need for switchability between global mode and private modes for a given register.

Moreover, Cook does not contemplate, nor does it teach or suggest, the ability of the claimed invention to operate in both private and global modes. Cook has no reason or need for private registers, as all are global. See Cook, col. 4, lines 42-47; fig. 5. Further, Cook does not address switchability or selectability between private and global modes.

No Motivation to Combine or Reasonable Likelihood of Success

A *prima facie* rejection for obviousness under 35 U.S.C. §103(a) further requires establishing "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" and "a reasonable expectation of success." MPEP 2143.

Regarding Claim 11, the Office Action contends that the claimed invention is obvious in view of

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Cook because when a value is written to one of said Q-number of said registers which is a global register, said value is propagated via bus 55 [see Cook fig. 5] to a corresponding global register in the other of said plurality of register files. Office Action, paragraph 2, page 9; paragraph 2, page 10. There appears to be reliance on Official Notice for motivation to combine Masubuchi and Cook. By not citing any reference for this motivation, Applicants can only presume that Official Notice is the basis for the motivation. An express showing of documentary proof is hereby requested to support this stated motivation as the documentary proof procedure is set forth in MPEP §2144.03.

Furthermore, Applicants believe there is no reasonable likelihood of success in the combination of Masubuchi and Cook. Combined, Masubuchi and Cook would embody a device having some pipelines with private registers only and others with global registers only. There would not be any switchability or dynamic configurability among the register modes even if the combination were done.

For at least the above reasons, Claims 1, 10, and 11 are believed to be allowable. The allowability of the dependent claims is believed to ensue from the allowability of independent claims 1, 10 and 11, at least for the reasons stated above.

35 U.S.C. §103 Rejections, Masubuchi in view of Cook and further in view of Drabenstott et al. and Ito et al.

The Office Action has rejected claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over Masubuchi in view of Cook and further in view of the cited portions of U.S. Patent No. 6,366,999 to Drabenstott et al. (hereinafter "Drabenstott") and U.S. Patent No. 6,615,339 to Ito et al. (hereinafter "Ito"). Claims 4 and 14 are believed to be allowable for at least the reasons that their respective parent claims are.

Further, motivation for the specific combination of elements is lacking along with any reasonable likelihood of success in that combination. With regard to the motivation to combine references, no cite is made to a reference for a motivation to combine so the Applicants

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can only assume Official Notice is being relied upon. Should this apparent Official Notice be maintained, an express showing of proof is requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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